



Sheila Dixon  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman



Thomas J. Stosur  
Director

### STAFF REPORT

January 14, 2010

**REQUEST:** City Council Bill #09-0428/Zoning – Conditional Use Parking, Open Off-Street Area – 5401 Tippet Avenue, 5451 Tippet Avenue, 4033 Lewiston Avenue, and Portions of Rockfield Avenue and Tippet Avenue

For the purpose of repealing Ordinance 65-640 and permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open off-street area (including driving test area) on the properties known as 5401 Tippet Avenue, 5451 Tippet Avenue, 4033 Lewiston Avenue, and portions of Rockfield Avenue and Tippet Avenue.

**RECOMMENDATION:** Approval

**STAFF:** Natasha Becker

**PETITIONER(S):** Hilltop Development Associates, LLC

**OWNERS:** Tippet Avenue, LLC and Mr. Tauqeer Ahmed

#### **SITE/ GENERAL AREA**

Site Conditions: The Hilltop Shopping Center is located at the corner of Reisterstown Road and West Rogers Avenue in the Park Heights area of northwest Baltimore. The shopping center was constructed in 1950 and consists of two main components: a retail strip (consisting of 28,185 square feet divided among multiple tenant spaces) and a former movie theater (with 17,460 square feet of space). The Kress Theater was once a valuable anchor for the shopping center but went out of business many years ago. The front portion of that structure has been converted to retail space and now houses a pawn shop. The rear portion of the theater remains unused. Other tenants include a cell phone store, a beauty supply store, a nail salon, a check cashing office, a carry-out restaurant, a tax preparation office, and Murray's Steaks. At the rear of the shopping center along Tippet Avenue are three large residentially-zoned parcels (R-6) which are the subject of the current request. Two are currently undeveloped, while one is developed with a single-family dwelling that will be demolished.

General Area: The Park Heights Urban Renewal Plan area (URP) is bounded by Northern Parkway to the north, Greenspring Avenue to the east, Wabash Avenue to the west, and Park Circle to the south. This area is primarily residential in nature, but contains a mix of other land uses, including the Cold Spring Lane and Belvedere commercial areas, Sinai Hospital, Pimlico Racetrack, and the Wabash Avenue industrial area.

## **CONFORMITY TO PLANS**

City Council Bill #09-0428 is consistent with the goals and objectives of the Park Heights Urban Renewal Plan, as well as the Baltimore City Comprehensive Master Plan, specifically: LIVE Goal 1, Objective 4: Target neighborhood planning to leverage investment.

## **HISTORY**

- Ordinance No. 73-304, approved April 16, 1973, established the Park Heights Urban Renewal Plan. There were a series of successive amendments to that plan. The last amendment (No. 10), dated November 17, 2003, was approved by the Mayor and City Council of Baltimore by Ordinance No. 04-676, dated May 10, 2004.
- On February 2, 2006, members of the Planning Commission approved a new Park Heights Master Plan.
- On September 11, 2008, the Planning Commission recommended a series of amendments to the Park Heights Master Plan
- Also on September 11, 2008, the Planning Commission recommended repeal of the existing Park Heights URP and re-designation under a new ordinance.
- Ordinance No. 08-158, approved December 11, 2008, established the new Park Heights Renewal Plan.
- Ordinance No. 09-231, approved October 14, 2009, amended the Park Heights Urban Renewal Plan.

## **BACKGROUND**

In 2008, the State of Maryland issued a Request for Proposals (RFP) for approximately 25,000 square feet of office space on at least 4-6 acres of land in Baltimore City to be occupied by the Maryland Department of Transportation's Motor Vehicle Administration (MVA). The RFP was awarded to Hilltop Development Associates, LLC, a development entity comprised of the A&R Development Corporation and the owners of the Hilltop Shopping Center. The proposed new site will replace the MVA's current Baltimore City location at Mondawmin Mall, which they must vacate by May 2011.

The redevelopment of the Hilltop Shopping Center consists of two main components: creation of new office space for the MVA and refurbishment of the existing strip retail center. The new MVA will serve as the main anchor for the site, bringing in tens of thousands of visitors on an annual basis. Approximately 21,000 square feet of office space will be created within the former theater structure, including an area of new construction approximately 4,500 square feet in size. The space will be leased to the MVA for a ten-year period. The full service facility will include two driver test courses and over 350 parking spaces. Rehabilitation of the existing strip center will take advantage of the increased site traffic and is expected to bring in a higher quality tenant mix. The team has prepared a site development plan and has already begun preliminary design work on the project.

On August 6, 2009, a Planning Commission hearing was held to determine whether the Park Heights Urban Renewal Plan should be amended to add acquisition authority for a number of parcels that were needed to accommodate the footprint of the development plan. That request passed and was since signed into law. With site assembly underway, the development team is now seeking other technical approvals needed to authorize the development plan.

**ANALYSIS**

City Council Bill #09-0428 seeks to authorize open off-street parking on the properties known as 5401 Tippett Avenue, 5451 Tippett Avenue, 4033 Lewiston Avenue, as well as on portions of Rockfield Avenue and Tippett Avenue. This area is to serve as a non-commercial driver test course and parking for the MVA. Because the properties are zoned R-6, a conditional use ordinance is needed. The request is consistent with the desire for redevelopment of the Hilltop Shopping Center and attraction of a major government service provider to the area. The request also had been anticipated from the outset as a necessary step for redevelopment of the site. It should be noted that 4033 Lewiston Avenue is currently under separate ownership but is under contract for purchase by Tippett Avenue, LLC.

A final technical approval anticipated is the future closure of portions of two streets and several alleys. These include the portions of Rockfield and Tippett Avenues affected by the current conditional use legislation, as well as several unnamed alleys, all appearing on Blocks 4511-D, 4511-E, 4511-F, and 4511-G. Title reports and utility surveys are being conducted, and it is expected that formal requests will be made shortly. The right-of-way areas are to be closed, sold to the development team, and consolidated with adjoining parcels in order to affect full site assembly. Though not yet referred to the Planning Commission for a formal decision, staff is fully aware and supportive of the street closing requests.

In advance of a hearing on this matter, staff notified all of the affected property owners and the following community groups: Woodmere Neighborhood Association, Hilltop 4100 Association, Park Heights Renaissance, Inc., and the Reisterstown Road Merchants Coalition.

**Thomas J. Stosur**  
**Director**